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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARTIN S. ROOD,

Plaintiff,

vs.

LIBERTY INSURANCE UNDERWRITERS,
INC., a Stock Insurance Company, a/k/a/
Liberty Mutual Group; DOES 1 through 5,
and ROE COROPORATIONS 1 through 5,

Defendant(s).

Case No.: 2:16-cv-002586-JAD-NJK

**STIPULATION AND ~~(PROPOSED)~~
ORDER TO EXTEND DISCOVERY
DEADLINES**

(Third and Final Request)

Plaintiff, Martin S. Rood ("Plaintiff"), and Defendant, Liberty Insurance Underwriters, Inc. ("Defendant"), by and through their respective attorneys of record, respectfully submit the following Stipulation and [Proposed] Order requesting to extend the discovery deadline by Sixty (60) days of the current scheduling order deadlines. This is the parties' third and final request for an extension of the deadlines in this case.

I. INTRODUCTION.

On December 29, 2017, the Court entered a Stipulation and Order to Extend Discovery Deadlines (Second Request); (ECF No. 21) filed by the parties. The Stipulation and Order set the following dates:

(a) Discovery Cut-off: April 2, 2018

(b) Final Date to File Dispositive Motions: May 7, 2018 (May 5, 2018 falls on a

1 Saturday)

2 (c) Pretrial Order: June 7, 2018 (not later than 30 days after the date for
3 dispositive motions, unless dispositive motions are filed).

4 **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED**

5 Pursuant to the requirements of LR6-1 and LR26-4, the parties provide the Court
6 with the following information in support of their stipulation to extend discovery.

7 *A. Discovery Completed.*

- 8 1. Initial Disclosure served by Plaintiff and Defendant;
- 9 2. Written Discovery (Interrogatories, Requests for Admissions, and
10 Requests for Production of Documents) propounded by Plaintiff and
11 responded to by Defendant.
- 12 3. Written Discovery (Interrogatories, and Requests for Production of
13 Documents) propounded by Defendant and pending response by Plaintiff.

14 **III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**
15 **COMPLETED.**

16 The parties have completed written discovery and are finalizing efforts to take
17 depositions of out-of-state witnesses. The parties have also engaged in settlement
18 discussions and want to continue such discussions in light of the expense of additional
19 discovery and trial preparation.

20 *B. Reason Why Discovery Has Not Been Completed.*

21 The parties need additional time to take depositions of out-of-state witnesses and
22 have engaged in settlements in light of completed discovery and final trial preparations.
23 The parties will not seek further extensions absent compelling cause.

24 **IV. REASONS WHY THE DISCOVERY REMAINING WILL NOT BE COMPLETED**
25 **WITHIN THE TIME LIMITS SET BY THE DISCOVERY ORDER.**

26 Extending the discovery process will provide sufficient time for the parties to
27 serve notice and conduct appropriate depositions, including Defendant's out-of-state
28

witnesses from New York for whom previous deposition notice has resulted in conflict of schedules.

Pursuant to LR 26-4, herein parties aver that in view of the possibility of settlement of this case, there is good cause to extend discovery deadlines in this matter, to enable both parties to complete the whole discovery process, and/or to assess and finalize settlement of this case.

The parties therefore respectfully request to extend the discovery deadline by sixty (60) days of the discovery order for the above good reasons shown. This extension is not intended to delay the progress of this case, is the final and last request for extension, and is expected to allow the parties to complete the entire discovery process or settle the case.

V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.

The parties agree that discovery will be extended sixty (60) days from the Stipulation and Order, and the deadlines will be extended as follows:

A. Close of Discovery: June 1, 2018.

B. Final Date to File Dispositive Motions: July 6, 2018.

C. Pretrial Order: August 6, 2018 (August 5, 2018 is a Sunday)

VI. CURRENT TRIAL DATE.

There is no trial date scheduled as of yet.

Dated this 23 rd day of March, 2018	Dated this 23 rd day of March, 2018
SJ LAW	LIPSON NEILSON P.C.
By: <u>/s/ Spencer M. Judd</u> Spencer M. Judd, Esq. 325 So. 3 rd Street, #5 Las Vegas, Nevada 89101 Attorneys for Plaintiff	By: <u>/s/ David A. Clark</u> David A. Clark Eric N. Tran, Esq. 9900 Covington Cross Dr., Ste.120 Las Vegas, Nevada 89144 Attorneys for Defendant Liberty Insurance Underwriters

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**NO FURTHER EXTENSIONS
WILL BE GRANTED.**

ORDER

IT IS SO ORDERED.

DATED: March 26, 2018



UNITED STATES MAGISTRATE JUDGE